

### **REMARKS/ARGUMENTS**

Claims 1, 3 and 6-44 are pending in this application. Claims 32-41 were previously withdrawn from consideration. Claims 2, 4 and 5 were previously canceled. Claim 1 has been amended.

Applicants acknowledge with appreciation the indication that claims 21-31 and 42-44 are allowed and that claims 11-20 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. By the present Amendment, applicants have not amended any of allowed claims 21-31 and 42-44. Accordingly, applicants respectfully submit that claims 21-31 and 42-44 should remain allowed. Also, applicants have maintained claims 11-20 in dependent form because it is believed that their respective base claims patentably define over the cited art, for at least the reasons discussed herein.

As for the rejection of claims 1, 3 and 6-10, applicants have previously addressed the Hampden-Smith and the Tsukada references. Hampden-Smith teaches a photoluminescent phosphor, as opposed to the present invention which is an electroluminescent phosphor film whereby light is produced by the injection of electrons into the phosphor film. As Tsukada, it does not teach the claimed phosphor. Rather, it teaches a coated particle in a matrix.

Applicants further submit that independent claim 1, as amended, more clearly distinguishes the claimed fine grained phosphor from the prior art. The combination of the fine grained phosphor and the preferred morphology acts to stabilize the phosphor from degradation and provide enhanced luminance and longer operational life (page 15, first paragraph). See also page 16 (last paragraph to the top of page 17) wherein the benefit of the grain size is discussed. The benefit of the grain size and grain shape is discussed on page 18, second paragraph. One skilled in the art would not have known that fine grained with a distinctive morphology improves luminance of the phosphor. Supportive data for this unobvious effect is shown in particular in Example 7, where devices 2-4 having a columnar grain shape (structure) of 50 nm or less were shown to have improved luminance. Neither of the prior art references alone or in combination teaches or suggests this morphology, and it is not inherent. The specification teaches

that method parameters will affect it so it is a conscious decision to make such a phosphor and ensure through crystallography that it was indeed made and therefore will have increased luminance.


### **CONCLUSION**


For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance.

Respectfully submitted,

FAY SHARPE LLP

9/30/08  
Date

  
John S. Zanghi, Reg. No. 48,843  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. <input checked="" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: 
Date: <u>9-30-08</u>	Name: Elaine M. Checovich

N:\SMBZ\201002\emc0007689V001.docx